

### REMARKS

The pending Office Action addresses claims 70, 71, and 73-90. Claims 86-90 are allowed, claims 71, 74, 80, and 82-85 are objected to, and claims 70, 73, and 75-79 stand rejected. Reconsideration and allowance is respectfully requested based on the amendments and remarks submitted herewith.

#### *Amendments to the Claims*

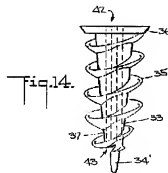
Applicant amends claim 70 to include a suture disposed in the suture thread-engaging groove as part of the suture anchor system. Support for this recitation can be found throughout the specification, at least at paragraphs [0013], [0036], [0038], [0064], and FIGS. 11-14 of the published application. Applicant also adds new claims 91-101, with claim 91 being independent. New independent claim 91 corresponds to claim 82 rewritten in independent form, including all of the limitations of the base claim, and new dependent claims 92-101 correspond to pending dependent claims 71, 73, 75, 77-79, 81, and 83-85. No new matter is added.

#### *Claim Rejections Pursuant to 35 U.S.C. § 102*

##### U.S. Patent No. 4,892,429 of Giannuzzi

The Examiner rejects claims 70, 73, 75, 76, 78, 79, and 81 pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,892,429 of Giannuzzi. In particular, the Examiner argues the claimed system, including a suture thread-engaging groove formed in the suture engaging tip, is taught by Giannuzzi. Applicant disagrees.

Claim 70 recites a suture anchor system that includes a radially expandable suture anchor with a tapered suture engaging tip at a distal end. A suture thread-engaging groove is formed in the suture engaging tip. Applicant maintains that Giannuzzi does not teach or even suggest a suture anchor system having a suture thread-engaging groove formed in the suture engaging tip, as recited by claim 70. As shown in FIG. 14 of Giannuzzi, which is reproduced herein, there is not any type of groove formed within the tip 34' of the screw.



Rather, a notch is formed in a portion of the shank of Giannuzzi's screw. This notch is not formed in the tip – it is actually formed proximal to the tip 34' and even proximal to one of the threads.

Further, as recited by Applicant's amended claim 70, the claimed suture anchor system includes a suture disposed in the suture thread-engaging groove. The Examiner's rejections continue to recite that the applicant does not positively claim a suture. Applicant now positively recites a suture as part of the suture anchor system. Because the anchor taught in Giannuzzi is a roof anchor, it is clear that the system taught in Giannuzzi does not teach or even suggest the possibility of using a suture in its system. Furthermore, it would not have been obvious to a person having ordinary skill in the art of suture anchors to look to Giannuzzi for any teachings or suggestions because suture anchors and roof anchors are vastly different.

Accordingly, claim 70, as well as claims 73, 75, 76, 78, 79, and 81 which depend therefrom, distinguishes over Giannuzzi and represents allowable subject matter.

***Rejections Pursuant to 35 U.S.C. § 103***

U.S. Patent No. 4,892,429 of Giannuzzi

The Examiner rejected claim 77 pursuant to 35 U.S.C. § 103(a) as being obvious over Giannuzzi in the final Office Action. As noted above, independent claim 70 distinguishes over Giannuzzi because Giannuzzi does not teach or even suggest a suture anchor system that includes both a suture thread-engaging groove formed in the suture engaging tip of a suture anchor and a suture disposed in the suture thread-engaging groove. At least because it is dependent from an allowable base claim, claim 77 distinguishes over Giannuzzi and represents allowable subject matter.

**CONCLUSION**

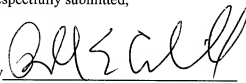
Applicant submits that all claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed to expedite prosecution of this application.

In the event that a petition for an extension of time is required to be submitted at this time, Applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to ensure that the above-identified application does not become abandoned.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 22956-238.

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Respectfully submitted,

By 

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